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# United States District Court

## EASTERN DISTRICT OF NORTH CAROLINA

ALAN VOTTA CONSTRUCTION, INC.,  
Appellant,

v.

MICHAEL L. KIRKBRIDE and DOLORES A.  
KIRKBRIDE,  
Appellees.

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**JUDGMENT IN A CIVIL CASE**  
**CASE NO. 7:10-CV-88-BO**

### Decision by Court.

IT IS ORDERED AND ADJUDGED that the Order of Bankruptcy Court of 8/13/2009 is AFFIRMED in PART. However, the Bankruptcy court erred in finding the Kirkbrides are entitled to a return of \$105,000.00 from AVC. Accordingly, the Judgement of the Bankruptcy Court dated 3/1/2010 is VACATED. This matter is REMANDED to the Bankruptcy Court for further proceedings consistent with this opinion.

THE ABOVE JUDGMENT WAS ENTERED TODAY, **October 18, 2010**, AND A COPY MAILED VIA ELECTRONICALLY OR BY REGULAR MAIL TO:

David A. Nash (via CM/ECF Notice of Electronic Filing)

Dean R. Davis (via CM/ECF Notice of Electronic Filing)

George Mason Oliver (via CM/ECF Notice of Electronic Filing)

Stephanie Edmondson, US Bankruptcy Court (via CM/ECF Notice of Electronic Filing)

October 18, 2010

Date

*Wilmington, North Carolina*

DENNIS P. IAVARONE

Clerk of Court

/s/ Susan K. Edwards

*(By) Deputy Clerk*